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5 Attorney for plaintiff JOHN DAVI
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8 **IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**
 11

12 JOHN DAVI,

Plaintiff,

13 v.

14 OFFICER N. QUINONES, individually and in
 his capacity as a Gilroy police officer; ARTURO
 15 AMARO, individually and in his capacity as a
 Gilroy firefighter; CLIFF COLYER, individually
 16 and in his capacity as a Gilroy firefighter; DAVID
 GUTIERREZ, individually and in his capacity as a
 17 Gilroy firefighter; JOHN DOE AND RACHEL
 ROE, individually and in their capacities as Gilroy
 18 police officers and firefighters, the true names and
 exact numbers of whom are unknown to plaintiff;
 19 CITY OF GILROY; DOES 1 through 10,
Defendants.

No. C-05 05230 JW

STIPULATION AND
~~PROPOSED~~ ORDER TO
 CONTINUE CUT-OFF
 DATES PURSUANT TO
 SCHEDULING ORDER

21 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
 22 attorneys of record that having met and conferred regarding the respective calendars of counsel that
 23 the following dates be extended.

- 24 1. Discovery Cut-off date will now be August 17, 2007;
- 25 2. Last day for Dispositive Motions will now be September ¹⁰~~8~~, 2007 at 9:00 a.m.;
- 26 3. Pre-trial Conference Statements due on October ¹⁹~~18~~, 2007; and

1 4. Pre-trial Conference/Trial Setting Conference will now be October ²⁹~~26~~, 2007 at 11:00
 2 a.m.

3
 4 This request is submitted jointly on behalf of plaintiff's counsel and defendants' counsel.
 5 Mediation has held on February 13, 2007 but was unsuccessful. The mediation had been delayed
 6 due to plaintiff's incarceration, and the mediation was held at the earliest possible date available for
 7 all parties. The parties delayed extensive discovery and expert witness designations in the hope that
 8 the matter was more likely to resolve at mediation if neither side had undergone the expense of
 9 discovery and expert witness work. It was determined at the mediation that the parties needed to
 10 do some discovery and expert work in order to bring this matter to a resolution. Because of this, the
 11 parties request a short enlargement of time to complete discovery in the hopes that this additional
 12 work will lead to a resolution short of trial, and to also allow the parties to prepare for trial, if
 13 necessary.

14
 15 Dated: 16 February 2007

LAW OFFICES OF ANTHONY BOSKOVICH

16
 17 By: 
 18 ANTHONY BOSKOVICH,
 Attorney for Plaintiff John Davi

19 Dated:

BURTON, VOLKMANN & SCHMAL

20
 21 By: _____
 22 TIMOTHY J. SCHMAL
 Attorney for Defendants

23 **It is so ordered:**

24
 25 Dated:

26 _____
 27 The Honorable James Ware
 Judge of the United States District Court

1 4. Pre-trial Conference/Trial Setting Conference will now be October 26, 2007 at 11:00

2 a.m.

3
4 This request is submitted jointly on behalf of plaintiff's counsel and defendants' counsel.
5 Mediation has held on February 13, 2007 but was unsuccessful. The mediation had been delayed
6 due to plaintiff's incarceration, and the mediation was held at the earliest possible date available for
7 all parties. The parties delayed extensive discovery and expert witness designations in the hope that
8 the matter was more likely to resolve at mediation if neither side had undergone the expense of
9 discovery and expert witness work. It was determined at the mediation that the parties needed to
10 do some discovery and expert work in order to bring this matter to a resolution. Because of this, the
11 parties request a short enlargement of time to complete discovery in the hopes that this additional
12 work will lead to a resolution short of trial, and to also allow the parties to prepare for trial, if
13 necessary.

14
15 Dated: 16 February 2007

LAW OFFICES OF ANTHONY BOSKOVICH

16
17 By: 

ANTHONY BOSKOVICH,
Attorney for Plaintiff John Davi

18
19 Dated: February 20, 2007

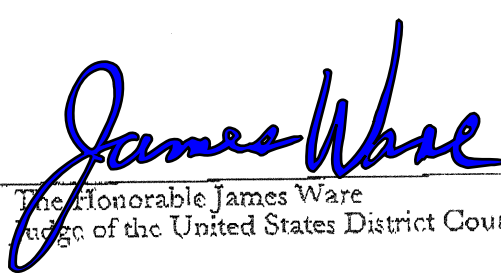
BURTON, VOLKMANN & SCHMAL

20
21 By: 

TIMOTHY J. SCHMAL
Attorney for Defendants

22
23 It is so ordered:

24
25 Dated: 2/21/2007


The Honorable James Ware
Judge of the United States District Court